



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of

Timothy BROWN

Serial Number 09/625,989

Filed: July 26, 2000

For: A Method For Using A Floating Pallet
For A Digital Asset Management System
In A Plurality Of Different Applications

Group Art Unit: 2194

Examiner: Andy Ho

Attorney Reference: 005156.00011

APPEAL BRIEF

Commissioner for Patents
U.S. Patent and Trademark Office
Alexandria, VA 22313

Sir:

Appellant hereby appeals to the Board of Patent Appeals and Interferences from a decision of the Primary Examiner on April 20, 2005, finally rejecting claims 1-10 in the above-captioned patent application.

(1) Real Party In Interest

The real party in interest is Extensis Corporation, a U.S. corporation having a place of business in Portland, Oregon.

(2) Related Appeals and Interferences

Appellants and their legal representatives are unaware of any appeals or interferences related to the subject appeal.

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(3) Status of Claims

Claims 1-10, reproduced for reference in the Claims Appendix (i.e., Appendix A) are pending in the application, with claim 1 being an independent claim.

(4) Status of Amendments

No amendments have been made to the claims following the final Office Action of April 20, 2005. In an effort to further prosecution of this application, Appellants submitted a Request For Reconsideration on September 20, 2005, but this Request For Reconsideration did not present claim amendments, and the Primary Examiner never responded to this Request For Reconsideration.

(5) Summary Of Claimed Subject Matter

Claims 1-10 are directed to a method of using a digital asset management system with a plurality of different client applications. First, a digital assets management system is initiated. (See page 15, lines 20-21.) An interface application 803 also is initiated. (See Fig. 10.) The application creates a means for interacting with a plurality of different processing and publishing systems, such as a client application 801. (See, e.g., Figure 10, and page 14, line 11 to page 15, line 9.) Next, a floating pallet 1101 is created, where the floating pallet 1101 uses the properties and behaviors of a selected client application 801. (See Fig. 11.) The floating pallet 1101 includes a search window 2101 that allows a user to search for a digital asset contained in the digital asset management system. (See, e.g., Fig. 12, and page 16, lines 7-9.) The results of the search are then returned to the client application 801. (See page 16, lines 9-11.)

(6) Grounds Of Rejection To Be Reviewed On Appeal

The following single grounds of rejection are presented to the Board of Patent Appeals and Interferences for review in this appeal:¹

Claims 1-10 under 35 U.S.C. §103 over U.S. Patent No. 5,864,338 to Austin² in view of U.S. Patent No. 6,519,594 to Li.

¹ Appellant respectfully points out that claim 1 has been objected to for a minor informality in claim 8, line 1 (i.e., the extraneous inclusion of the word "said"). Appellant courteously asks that this objection be held in abeyance until this appeal of the rejection of claims 1-10 under 35 U.S.C. §103 has been resolved. Upon the resolution of the merits of this appeal, Appellant with amend claim 1 to delete the extraneous use of the word "said" objected to by the Examiner (or approve the same deletion made by an Examiner's Amendment).

(7) Arguments

The Rejection Of Claims 1-10 Under 35 U.S.C. §103 Is Improper

Claims 1-10 recite a method of using a digital asset management system with a plurality of client applications. According to the claimed invention, an interface application is created that provides an interface between each of a plurality of different client applications and the digital asset management. As further recited in these claims, a floating pallet is created that allows a user to identify a digital asset managed by the digital asset management system. The floating pallet also allows an identified digital asset to be transferred to a client application selected from the plurality of different client applications. Claims 1-10 also recite that the floating pallet uses the properties and behaviors of the selected client application.

Appellant again respectfully submits that the Austin patent does not teach or suggest such a floating pallet. In making this rejection, the Primary Examiner relied upon the data access node described in the Austin patent at, e.g., column 5, lines 33-54, to support the rejection of claims 1-10. Applicant respectfully submits that the data access node disclosed in the Austin patent does not teach or suggest the floating pallet recited in claims 1-10. A floating pallet (also spelled floating “palette”) has a specific meaning in the art. More particularly, a floating pallet is a user interface window that remains visible or “floats” above other window even when the pallet does not have focus. Thus, a floating pallet will remain visible at some location in a display, even as the user switches between client applications. This feature of the user interface for the digital asset management (i.e., that it is a floating pallet), allows the digital asset management system to

² Appellant respectfully points out that U.S. Patent No. 5,864,338 is actually to a patent to Nestor et al. entitled “System And Method For Designing Multimedia Applications,” and makes no reference to a “DataSocket extension.” Accordingly, Appellant understands that the reference to U.S. Patent No. 5,864,338 is in error. Applicant is instead treating the rejection of claims 1-10 as a rejection under 35 U.S.C. §103 to U.S. Patent No. 6,526,566 to Austin. Appellant has pointed out this discrepancy in responses to the two previous Office Actions, but the Primary Examiner has neither confirmed nor denied Appellant’s stated understanding. Accordingly, Appellant must predicate this appeal on the Appellant’s previously-expressed understanding.

continuously remain useful for retrieving digital asset managements, regardless of the particular client application being viewed by a user.

The data access node, on the other hand, is simply a graphical icon that triggers another application's access to a specified data source. More particularly, the data access node does not provide a user interface anything like the floating pallet recited in claims 1-10. Instead, the data access node is simply a marker that can be placed by a user in an existing graphical user interface as part of a programming operation. When the graphical user interface is then processed by another application, that application recognizes the data access node to be an instruction to access a data source identified by the data access node (using, e.g., a URL). See, for example, column 5, lines 31-65, which state:

The user may then connect the various nodes or icons together in one or more of a data flow, control flow or execution flow format. If the user desires the graphical program to access data from/to one or more of a data source or a data target, the user may cause to be displayed a data access node in the graphical program.

Thus, the data access node neither floats nor operates as a user interface.

Accordingly, Appellant again respectfully submits that the Austin patent does not teach or suggest the floating pallet recited in claims 1-10. Appellant further submits that the Li patent does not remedy this omission of the Austin patent. It is therefore submitted that no combination of the Austin and Li patents would teach or suggest the invention recited in claims 1-10. Appellant therefore asks that the rejection of these claims over the combination of the Austin and Li patents be withdrawn.

(8) Conclusion

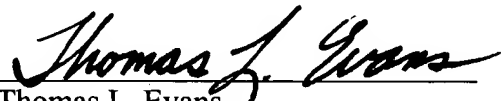
The rejection set forth in the final Office Action of April 20, 2005, should be reversed for at least the reasons recited above. Allowance of claims 1-10 is therefore respectfully requested.

A Petition For A Four Month Extension Of Time is being filed herewith. Further, the Commissioner was authorized to charge the associated fees of:

- (a) \$250.00 for the filing of the original filing of the Appeal Brief; and
- (b) \$795.00 for the Petition For Extension Of Time

to deposit account number 19-0733. It is believed that no additional fees are due in connection with this Appeal Brief. Should additional fees be deemed necessary, however, such fees are hereby requested and the Commissioner is authorized to charge deposit account number 19-0733 for the payment of the requisite fees.

Respectfully submitted,

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Dated: March 20, 2006

APPENDIX A - CLAIMS

1. A method for using a digital asset management system with a plurality of different client applications, comprising:

initiating a digital assets management system;

initiating an interface application that provides an interface between each of said plurality of different client applications and the digital asset management system;

creating a floating pallet said that allows a user to

identify a digital asset managed by the digital asset management system, and

transfer the identified digital asset to a client application selected from said

plurality of different client applications using the interface provided by the interface application, wherein the floating pallet uses the properties and behaviors of the selected client application.

2. A method according to claim 1, further comprising the steps of:

using said floating pallet to request a search of digital assets managed by the digital assets management system using user entered search criteria;

transferring said search criteria to said digital asset management system through said interface application;

performing said search and creating a list of results;

transferring said list of results back to said floating pallet through said interface application; and

displaying said list of results in said floating pallet.

3. The method recited in claim 1, wherein the interface application mimics the operation of a plug-in module for each of the plurality of client applications.

4. The method recited in claim 3, wherein the interface application employs application programming interfaces of an operating system for the plurality of client applications to interact with the plurality of client applications.

5. The method recited in claim 3, wherein the interface application intercepts calls from the plurality of client applications and redirects the calls to the interface application to interact with the plurality of client applications.

6. The method recited in claim 5, wherein the interface application changes an address in a stub library to redirect the calls to the interface application.

7. The method recited in claim 1, wherein the interface application is implemented as a plug-in module for the plurality of client applications.

8. The method recited in claim 1, further comprising indicating when a digital asset has been transferred from said digital asset management system to said selected application.

9. The method recited in claim 1, wherein the asset management system launches the floating pallet in a user interface of the selected client application.

10. The method recited in claim 1, further comprising
detecting when at least one of said plurality of client applications initiated, and
in responses to detecting that at least one of said plurality of client applications has been initiated, initiating the digital asset management system.

APPENDIX B - EVIDENCE

Not applicable.

APPENDIX BC - RELATED PROCEEDINGS

Not applicable.